

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6273L

v.

TERRY EUGENE ERB,

Defendant.

This defendant was sentenced on May 26, 2010 principally to a term of imprisonment of 24 months. He was allowed to voluntarily surrender. Within the last day or so, he was advised by the United States Marshal Service that he must report on Monday, June 28, 2010 to FCI Allenwood Low, White Deer, Pennsylvania.

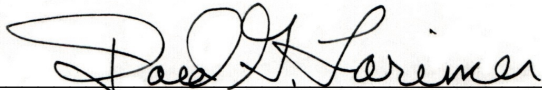
By letter dated June 23, 2010, counsel for defendant seeks to adjourn the execution of the sentence “until the completion of [Erb’s] medical treatment.” By letter dated June 23, 2010, the Government opposes the request. The request is denied.

Sentencing in this case was adjourned for many months based on the several medical issues presented by this defendant. Just prior to sentencing, a similar request for adjournment was made which the Court denied. Based on the letter presented to me on June 23, 2010 from defendant’s

counsel, there is no medical evidence provided indicating that Erb cannot be adequately treated in the Bureau of Prisons for his present ailment. The letter only describes that he is experiencing “symptoms” related to a urinary tract problem, but this does not seem to pose any emergency since he is not scheduled to see a specialist for over a month.

Defendant Terry Eugene Erb is ORDERED to appear as directed by the United States Marshal on June 28, 2010 at FCI Allenwood Low, White Deer, Pennsylvania.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 23, 2010.